



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

MAY 11 2015

Rhonda Morningstar Pope
Tribal Chairperson
Buena Vista Rancheria
1418 20th Street, Suite 200
Sacramento, California 95811

RE: New Indian Environmental General Assistance Program Grant
Application Due:

JUN 16 2015

Dear Chairperson Morningstar Pope:

I am pleased to inform you that your proposal submitted to this office under the U.S. Environmental Protection Agency's Indian Environmental General Assistance Program (GAP) has been tentatively approved for funding. At this time, I am setting aside \$88,000 of funding to support your GAP for one year. An additional \$11,182 has been tentatively set aside for supplemental activities as follows: \$11,182 for salary and fringe for environmental technician. The total tentative award for your GAP is \$99,182.

Also, in a separate budget and work plan, please include \$32,220 as supplemental funding for your program. The breakdown for the budget would be, \$15,000 for contractor to assist with ETEP; \$8,920 for administrative support and \$8,300 for technical support. If additional GAP funds become available and your requests are approved, some or all of your supplemental requests may be awarded.

Your previous GAP grant GA-00T65701-2 expired on September 30, 2014. However, the tribe has not yet submitted a Federal Financial Report as required. The terms and conditions of the grant contained a requirement that the tribe submit a final FFR and performance report no later than 90 days after the expiration of the grant, or December 30, 2014. A Final FFR is needed to close the expired grant. If EPA does not receive a final FFR within fourteen days, your new grant award may be delayed, reduced, or denied.

A General Assistance Program grant may not exceed four years. Your current cooperative agreement will expire on **September 30, 2015**, which is the end of your grant's four year budget and project period. As a reminder, a final Federal Financial Report and final performance report must be submitted By December 30, 2015, which is 90 days after the grant ends.

Work plan submission, negotiation, and approval will be conducted electronically in GAP Online. The comments attached here for your reference are also available in GAP Online. If we receive your complete application and an **approvable** revised work plan by the due date we will make every effort to award the grant by September 30, 2015. This funding will support work plan activities from October 1, 2015 to September 30, 2016. Please do not incur any costs under this work plan until the official grant award document has been signed and dated by the EPA Award Official. Any costs incurred before the date of award will not be reimbursed.

This letter does not constitute a grant award. In order to receive funding, the Buena Vista Rancheria will need to complete an Application for Federal Assistance (SF-424). **The complete application, including an approvable work plan, must be submitted for EPA review by the due date indicated above.** Materials can be submitted earlier and will be processed on a first-come, first-served basis. Please note that in completing your application, you will need to enter the GAP Catalog of Federal Domestic Assistance Number (CFDA), required in box #11 on the SF-424A application form, 66.926.


New Process for Submitting Your GAP Grant Application

Effective February 17, 2015, EPA grant applicants **must** use Grants.gov to submit their applications. The Grants.gov registration process can take up to 30 days to complete. Therefore, it is highly recommended that EPA applicants complete their registration on Grants.gov now. Also, your organization's registration in SAM.gov must be active to utilize Grants.gov. If it appears that the grants.gov registration process may prevent you from submitting your application by the due date aforementioned, then please contact Support@grants.gov or call 1-800-518-4726 as support is available 24 hours a day and 7 days a week. You should also notify your Project Officer before the application due date to request an extension.

Please review both Attachment 2 (Grants.gov Instructions Guide) and Attachment 3 (Region 9 Guidance Information for Applicants) or go to <http://www.epa.gov/region9/funding/information.html> to find additional resources on Grants.gov, Federal Regulations, and new EPA requirements. We suggest you forward these materials to your Project Manager, Financial Officer and any other personnel in your organization requiring this information.

I look forward to working with you and your staff under the General Assistance Program. Questions regarding the completion of the application forms as well as the mandatory use of grants.gov should be referred to Darlene Fernandez, Grants Management Specialist, at (415) 972-3664. You can also contact your GAP Project Officer, Gilbert Pasqua at (415) 972-3788 if you have questions regarding this letter, the work plan or the General Assistance Program.

Sincerely,



Laura M. Ebbert
Manager
Tribal Section

Enclosures

1. Work Plan Comments
2. Grants.gov Instructions Guide
3. Region 9 Guidance Information for Applicants

cc: Roselynn Lwenya, Environmental Director (with work plan comments)
Denean Swenson, Tribal Administrator

GAP 2015-2016 Work Plan Comments

Buena Vista Rancheria

Thank you for developing an outcome-oriented work plan. The following observations and requests were written with the intent of strengthening the Tribe's GAP work plan, identifying possible assistance, and ensuring the work plan meets GAP guidelines. These comments pertain to the 2015-2016 work plan that was submitted with your GAP proposal GAP Online in December 2014. Please ensure that these comments are addressed in your final GAP work plan in GAP Online.

General Definitions and References

1. The following references are useful for understanding GAP in general, for getting an understanding for environmental outcomes, etc.
2013 Guidance on the Award and Management of General Assistance Program Agreements and Appendix I, Guidebook for Building Tribal Environmental Program Capacity
<http://www.epa.gov/region09/funding/pdfs/tribal-gap14/fy2014-r9-gap-guidance.pdf>
GAP Act (<http://www.epa.gov/Indian/pdfs/4368b.pdf>)
2015 GAP Grant Notification (<http://www.epa.gov/region09/funding/tribal-gap.html>)
EPA Strategic Plan (<http://www2.epa.gov/planandbudget/strategicplan>)
2. Environmental outcomes should be expressed in terms of improvements to public health, the environment, or human behavior. They can also reflect improved tribal capacity to protect public health or the environment. Intermediate outcomes could reflect: a) improved human health or environmental conditions, b) reduced risks to human health or the environment, c) increased tribal capabilities in legal, enforcement, technical, communication, or administrative areas. Long-term outcomes could include attainment of desired environmental conditions (e.g., water quality standards are met) or human health goals, attainment of a desired capacity to plan, develop, implement, manage and sustain tribal environmental programs.
3. Please ensure that each component in your work plan contains one or more capacity indicators that appropriately links to the commitments. Capacity indicators represent the destination of the Tribe's work and therefore the Tribe should express how it will accomplish the tasks necessary to achieve the indicators proposed in its commitments. Moreover, capacity indicators should ideally be placed in the "Measures" section for each component in the work plan. More information on the appropriate use of indicators is found on page 13 of the GAP Guidance. A suite of indicators that the Tribe may consider for inclusion in its work plan is contained in Appendix I of the GAP Guidebook.
4. Please ensure that the total work plan Estimated Component Costs add up to the total approved budget amount indicated in the cover letter, and that the total work plan Estimated Work Years adds up to the total number of approved personnel funded under GAP. I have attached a document entitled "Component Cost and Work Years Guidance" that will help you to correctly identify Component Costs and Work Years to comply with this request.
5. Greening Grants Policy: EPA Region 9 has adopted a Greening Grants Policy which encourages grantees to carry out their EPA grant funded projects in a greener way. Your Project Officer will work with you to determine whether it is feasible to incorporate green practices into your work plan.

The Greening Grants Policy includes an attachment which describes many useful green practices. The policy furthers the objectives of EPA's 2011-15 Strategic Plan. The link to Greening Grant Policy is on the Region 9 Website Homepage, <http://www.epa.gov/region9/funding/greening-grants.html>

6. Regarding Indirect Costs:

For Tribes that have never received a negotiated IDC:

- If a Tribe has never received a negotiated Indirect Cost (IDC) rate, they may now elect to charge a de minimus rate of 10% of modified total direct costs (MTDC)* and it may be used indefinitely. If chosen, this methodology must be used consistently for all Federal awards until the Tribe chooses to negotiate for a rate.

Please refer to CFR 2, Part 200, Section 200.414 for more information regarding indirect cost rates. This is a change from FY 13 and FY 14 IDC negotiations. Please work with your project officer when budgeting for a 10% IDC.

*MTDC is the total budget minus equipment and contractual costs.

- 7. Language on GAP work plan commitment to develop EPA/Tribal Environmental Plan (ETEP).** The proposed FY2016 work plan includes a component to develop an ETEP. The Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia was finalized in May 2013. This document also contains the Guidebook for Building Tribal Environmental Program Capacity (Appendix I). Attached is an example work plan component for the development of an ETEP. Please ensure that your ETEP component minimally includes the information contained in this sample work plan component. For additional assistance, please contact your Project Officer.

BUDGET COMMENTS

The GAP core budget for FY2016 is \$88,000. An additional \$10,600 has been tentatively set aside for supplemental activities as follows: \$15,000 for contractor to assist with ETEP; \$11,182 for salary and fringe for environmental technician. The total tentative award for your GAP is \$114,182.

Also, in a separate budget and work plan, please include \$19,920 as supplemental funding for your program. The breakdown for the budget would be, \$8,920 for administrative support, and \$8,300 for technical support. If additional GAP funds become available and your requests are approved, some or all of your supplemental requests may be awarded

The following line items need to be adjusted:

Travel: \$5,000 in travel was approved. Please adjust your budget accordingly. If the need arises for more travel, then the tribe can apply to the Owens Valley Indian Water Commission for the Tribal Travel Fund or you can contact Tim Grant in the EPA Tribal Section at (415) 972-2783.

Supplies: \$5,000 in supplies was approved. Please adjust your budget accordingly.

WORK PLAN COMMENTS

Please ensure that each component in your work plan contains one or more capacity indicators that appropriately links to the commitments. Capacity indicators represent the destination of the Tribe's work and therefore the Tribe should express how it will accomplish the tasks necessary to achieve the indicators proposed in its commitments. Moreover, capacity indicators should ideally be placed in the "Measures" section for each component in the work plan. More information on the appropriate use of indicators is found on page 13 of the GAP Guidance. A suite of indicators that the Tribe may consider for inclusion in its work plan is contained in Appendix I of the GAP Guidebook.

Throughout the work plan intermediate outcomes need to be identified in GAP on-line.

Throughout the work plan, Commitment End Dates are identified as 9/30/2016. Commitment End Dates should reflect the actual expected completion date of the Commitment, and should not all reflect the end of the grant year.

Component 1: Management of Environmental Office

Joint Evaluation: Portions of a Joint Evaluation process are missing. Please see Attachment F from the notification to ensure that the work plan contains a process in which EPA and the Tribe together evaluate the successes of the Tribe under GAP. The attachment can be found at:
<http://www.epa.gov/region9/funding/pdfs/tribal-gap/fy2015-r9-gap-notification-attach-d-workplan-quarterly-report.pdf>

Commitments 1.1:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online. Also please fix the end date to reflect a day during the program year.

In the outputs and deliverables section, please identify what outcomes and deliverables will be submitted to EPA.

Commitments 1.2:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitments 1.3:

Please remove this commitment, does not describe work done under the GAP grant.

Component 2: Financial Management

Please add to the long-term outcomes. "The tribe will establish financial regulations and policies."

Please ensure that each component in your work plan contains one or more capacity indicators that appropriately links to the commitments.

Commitment 2.1:

In the description section of this commitment please clarify how assessment will be completed.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, please add, "Financial reports will be submitted to the EPA project officer."

Commitment 2.2:

In the description section, rewrite the last sentence does not describe what changes in the grant would be?

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, revise this section the indicator which best fits this statement would be GAP indicator B.3.2.

Commitment 2.3:

In the description section, please add this statement to the third line" to ensure there are no findings or report if there are relevant findings to GAP grant."

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitment 2.4:

In the description section, please describe what type of trainings will be attended.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, revise this section a discussion of trainings per quarter would be a viable deliverable, as written this is not a substantive deliverable.

Commitment 2.5:

Please consider combing this commitment with commitment 2.3.

Commitment 2.6:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Please fix end date, as written it falls outside of the program year.

In the outputs and deliverables section, revise the fiscal year to read 2016-2017.

Commitment 2.7:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, please add a comma after each report date.

Component 3: Establish Core Information Management Capacities

In the description section of this component please describe the work that will be completed toward indicators B.4.3 and B.4.5.

Commitment 3.1:

Please fix end date, as written it falls outside of the program year.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitment 3.2:

In the description section, the indicator for this work would be B.4.3, please describe what work will be done to meet this indicator.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitment 3.3:

In the description section, the indicator for this work would be B.4.5, please describe what work will be done to meet this indicator.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Component 4: Education on identification and control of toxic chemical hazards to human health and the environment

Commitment 4.1:

Please rewrite the description section of this commitment, there over five commitments identified, there should be only on commitment.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, the outputs and deliverables do not coincide with all the commitments identified in the description section.

Commitment 4.2:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, add “a brief description of trainings attended will be included in the quarterly reports.”

Component 5: Training and Travel

Please add the appropriate GAP capacity indicator for this component to the measure section.

Commitments 5.1:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, please remove, “number of trainings, meetings and conferences attended,” this is not considered a substantive output.

Commitments 5.2:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

The outputs and deliverables section, please rewrite it currently is not a substantive output.

Component 6: Air Quality Monitoring

Please rename this title since monitoring activities are not allowable under GAP.

In the measures section please add GAP capacity indicator for this component.

Commitments 6.1:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, also add, “a summary of all training attended will be submitted to EPA.”

Commitments 6.2:

In the description section, please rewrite this section as now in currently read as GAP indicator C.3.3 verbatim rather than the work the tribe will be doing under this commitment.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, also add, “a summary of all training attended will be submitted to EPA.”

Commitments 6.3:

In the description section, please rewrite this section as now in currently read as GAP indicator C.3.19 verbatim rather than the work the tribe will be doing under this commitment.

Please fix end date section as the date needs to be recalculated.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitments 6.4:

Please fix end date section as date needs to be recalculated.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Component 7: Training and Travel

Please add a GAP indicator for this component in the measures section.

Commitments 7.1:

The cost of this commitment seems high. Please provide additional information to support the anticipated commitment cost.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitments 7.2:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, please rewrite there is no mention of providing outreach materials to tribal community. As written this section would not be considered a substantive output.

Commitments 7.3:

The cost of this commitment seems high. Please provide additional information to support the anticipated commitment cost.

Component 8: Environmental Education and Community Outreach

Please add a GAP indicator for this component in the measures section.

Commitments 8.1:

Please fix end date section as the date needs to be recalculated.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitments 8.2:

In the description section, please remove the word “ongoing” because it does not show a new capacity being built in the environmental program.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Commitments 8.3:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

Component 9: Develop an ETEP to address Tribal environmental issues and priorities

Please add a GAP indicator for this component in the measures section.

Enclosed is the ETEP work plan component template. If you have developed a recent environmental inventory, please inform your Project Officer and delete that commitment from the component. If you have questions about the other commitments, please contact your Project Officer.

The ETEP requirements are outlined in the National GAP Guidance on pages 13-19. Below is information about the Tribal Environmental Plan that will be part of the ETEP.

Tribal Environmental Plan

The GAP Guidance states the following about the content of the TEP:

Tribal governments should include environmental program priorities for their community in this section of the ETEP. For each priority, the following detail should be included: (1) short description of the priority; (2) the tribe's long-term environmental program development goals that help to address or support the priority; (3) intermediate program development milestones the tribal government would like to meet during the time period of the ETEP; (4) the tribe's plans to manage authorized environmental programs; and (5) any type of assistance (training, technical assistance, EPA direct implementation actions, financial, etc.) that may be needed. This information should be discussed between the tribe and EPA regional office staff to identify any connections between the tribe's priorities and the implementation of the federal environmental programs, and to identify potential EPA assistance that could be provided to help the tribe accomplish the proposed actions.

EPA recognizes that the Tribal Environmental Plan is a tribal document that represents the issues of importance to the Tribe; the TEP can cover a range of issues including environmental impacts that may occur off the reservation, but impact the tribe or Tribal interests.

The TEP will help guide EPA and Tribal work in the future. As the GAP Guidance states, future approvable GAP work plans will be based on the contents of the TEP. Please include an appendix section where the tribal priorities each have a program indicator from the GAP Guidance and Guidebook.

Commitment 9.1:

Please fix end date section as the date needs to be recalculated.

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.

In the outputs and deliverables section, please remove "A copy of final Environmental ETEP submitted to EPA." A draft should be submitted to EPA prior to a final ETEP. Also the tribe should be send zip codes for the tribal land to EPA by November 2016.

Commitment 9.2:

In the positions section in GAP online there is no one identified who will complete this commitment please add to GAP online.